



**CITY OF MORGAN HILL**

**CITY COUNCIL  
MORGAN HILL REDEVELOPMENT AGENCY**

**COUNCIL CHAMBERS**

17555 PEAK AVENUE MORGAN HILL CALIFORNIA 95037

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**REDEVELOPMENT AGENCY**

Dennis Kennedy, Chair  
Greg Sellers, Vice-Chair  
Hedy L. Chang, Agency Member  
Cynthia J. Cook, Agency Member  
Steve Tate, Agency Member

**CITY COUNCIL**

Dennis Kennedy, Mayor  
Steve Tate, Mayor Pro Tempore  
Hedy L. Chang, Council Member  
Cynthia J. Cook, Council Member  
Greg Sellers, Council Member

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**WEDNESDAY, NOVEMBER 29, 2000**

**AGENDA**

**JOINT MEETING**

**REDEVELOPMENT AGENCY SPECIAL MEETING**

**and**

**CITY COUNCIL SPECIAL MEETING**

**5:00 P.M.**

*A Special Meeting Is Called for Wednesday, November 29, 2000 at 5:00 P.m. for the Purpose of Conducting City Council and Redevelopment Agency Business.*

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**Dennis Kennedy, Chair/Mayor**

**SILENT INVOCATION**

**PLEDGE OF ALLEGIANCE**

**NOW IS THE TIME FOR COMMENTS FROM THE PUBLIC REGARDING ITEMS NOT ON THIS AGENDA.**

(See notice attached to the end of this agenda.)

**PUBLIC COMMENTS ON ITEMS APPEARING ON THIS AGENDA WILL BE TAKEN AT THE TIME THE ITEM IS ADDRESSED BY THE COUNCIL. PLEASE COMPLETE A SPEAKER CARD AND PRESENT IT TO THE CITY CLERK.**

(See notice attached to the end of this agenda.)

**PLEASE SUBMIT WRITTEN CORRESPONDENCE TO THE CITY CLERK. THE CITY CLERK WILL FORWARD CORRESPONDENCE TO THE CITY COUNCIL/REDEVELOPMENT AGENCY.**

## *City Council Action*

**CONSENT CALENDAR:**

The Consent Calendar, Agenda Items #1 through #4 may be acted upon with one motion, a second and the vote. The Consent Calendar items are of a routine or generally uncontested nature and may be acted upon with one motion. Pursuant to Section 5.1 of the City Council Rules of Conduct, any member of the Council or public may request to have an item pulled from the Consent Calendar to be acted upon individually.

**Time  
Estimate**

**Page**

**Consent Calendar: 1 - 10 Minutes**

1. **AMICUS REQUEST FROM PORT AUTHORITY OF OAKLAND REGARDING PUBLIC WORKS CONTRACTING CASE** ..... 1  
**Recommended Action:** Authorize the City Attorney to Join the League of California Cities in Support of the Amicus Brief to Be Filed with the United States Supreme Court on Behalf of the California Department of Labor Standards Enforcement in G&G Fire Sprinklers v. Bradshaw.
2. **APPROVAL OF AGREEMENT FOR ANNUAL TREE PRUNING** ..... 3  
**Recommended Action:** Approve Agreement for Annual Tree Pruning with Shimada Landscape, Inc. in the Amount of \$73,000 and Authorize The City Manager to Execute the Agreement on Behalf of the City.
3. **APPROVAL OF CONTRACT AMENDMENT WITH MARK THOMAS AND COMPANY FOR LANDSCAPING DESIGN FOR THE EAST DUNNE/101 INTERCHANGE IMPROVEMENT PROJECT** ..... 9  
**Recommended Action:** Authorize the City Manager to Execute an Amendment to The Agreement with Mark Thomas and Company for Landscaping Design Work in the Amount of \$41,000.

4. **APPROVAL OF COPY MACHINE LEASE FOR PUBLIC WORKS**  
**DEPARTMENT** ..... 15  
**Recommended Action:**  
1. **Authorize** the Lease of a Xerox DC440SX Digital Copier through Precision Document Systems, Inc. and  
2. **Declare** the Minolta 4050 (AFR-9) Copier (Serial #618234) Surplus and Authorize Disposal by Purchasing Officer.

## ***Redevelopment Agency Action***

### **OTHER BUSINESS:**

5. **COMMUNITY AND CULTURAL CENTER DESIGN** ..... 17  
**Recommended Action:** **Review** Plans and Identify Aspects of Plans Which the Board Would Like Modified and the Type of Modification Desired.

## ***City Council & Redevelopment Agency Action***

### **OPPORTUNITY FOR PUBLIC COMMENT**

### **CLOSED SESSION:**

**Time**  
**Estimate**

- |                |   |
|----------------|---|
| <b>1.</b>      |   |
| <b>minutes</b> | <b>CONFERENCE WITH LEGAL COUNSEL - POTENTIAL LITIGATION</b><br>Legal Authority: Government Code 54956.8 & 54956.9(c) (1 potential case)<br>Real Property(ies) involved: APN 728-31-007 & 008; 25.50 acres located on the southwesterly side of Road (St. Louise Hospital property)<br>City Negotiators: Agency Members; Executive Director; Agency Counsel; and F. Gale Conner, special counsel<br>Closed Session Topic: Potential Litigation |
| <b>2.</b>      |   |
| <b>minutes</b> | <b>CONFERENCE WITH LEGAL COUNSEL</b><br>Significant exposure to litigation pursuant to subdivision (b) of Government Code section 54956.9 (One potential case)  |

**3.**

**minutes**      **CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION**  
Legal Authority:            Government Code 54956.9(a)  
Title of Case:              Larry Farrow v. Paradise Motel et al.  
Case No.                    C99-20527 JW-EAI  
Attendees:                 Council Members; Interim City Manager; Interim City  
   Attorney, Police Chief

**4.**

**minutes**      **CONFERENCE WITH LEGAL COUNSEL - REAL PROPERTY NEGOTIATOR**  
  
Legal Authority:            Government Code 54956.8  
Real Property Involved:    A 8.93 acre parcel located on West Edmundson  
   Avenue, east of Community Park (APN 767-18-025)  
City/Agency Negotiators:    City Manager/Executive Director; City  
   Attorney/Agency Counsel; Director of Business  
   Assistance & Housing Services  
Closed Session Topic:        Acquisition of Real Property

**5.**

**minutes**      **CONFERENCE WITH LEGAL COUNSEL - REAL PROPERTY NEGOTIATOR**  
Legal Authority:            Government Code 54956.8  
Real Property Involved:    10.0, 18.90, and 0.05 acre parcels located on the east  
   side of Condit Road, bound be Condit Road, Tennant  
   Avenue, Barrett Avenue and Murphy Avenue (APNs  
   817-13-01 & 017 and 033)  
City/Agency Negotiators:    City Manager/Executive Director; Interim City  
   Attorney/Agency Counsel; Director of Business  
   Assistance & Housing Services  
Closed Session Topic:        Acquisition of Real Property

**6.**

**minutes**      **CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION**  
Legal Authority: Government Code section 54956.9, subsection (a)  
Name of Case: City of Morgan Hill. v. Jamina Investments  
Case Number: CV 741428, Superior Court, County of Santa Clara  
Attendees: City Council, City Manager, City Attorney, Special Counsel, Finance  
Director

**7.**

**minutes**      **CONFERENCE WITH REAL PROPERTY NEGOTIATOR**  
Legal Authority:            Government Code 54956.8  
Property:                    APN 779-04-010; 14465 Monterey Road;  
   29.2 acres  
Negotiating Parties:  
    For City:                City Manager; Public Works Director  
    For Property Owners:    William Sing and Young Kay Mock; The  
   GFI Company  
Under Negotiation:        Price and Terms of Payment

<b>8.</b>	
<b>minutes</b>	<b><u>CONFERENCE WITH REAL PROPERTY NEGOTIATOR</u></b>
Legal Authority:	Government Code 54956.8
Property:	APN 817-13-001; 37.8 acres (Soccer Complex)
Negotiating Parties:	
For City:	City Manager; Public Works Director
For Property Owners:	Tadashi & Alice A. Kadonaga, Trustee
Under Negotiation:	Price and Terms of Payment

<b>9.</b>	
<b>minutes</b>	<b><u>CONFERENCE WITH LEGAL COUNSEL - POTENTIAL LITIGATIONS &amp; CONFERENCE WITH REAL PROPERTY NEGOTIATOR</u></b>
Legal Authority:	Government Code 54956.8 & 54946.9(c)
Property:	APN 825-06-002, 003, 029, 030; 36.6 acres (Railroad/Maple - Butterfield Retention Basin Site)
Negotiating Parties:	
For City:	City Manager; Public Works Director
For Property Owners:	Costa Family Partners
Under Negotiation:	Price and Terms of Payment

## ***City Council & Redevelopment Agency Action***

<b>10.</b>	
<b>minutes</b>	<b><u>CONFERENCE WITH LEGAL COUNSEL - REAL PROPERTY NEGOTIATOR</u></b>
Legal Authority:	Government Code 54956.8
Real Property Involved:	A 8.93 acre parcel located on West Edmundson Avenue, east of Community Park (APN 767-18-025)
City/Agency Negotiators:	City Manager/Executive Director; City Attorney/Agency Counsel; Director of Business Assistance & Housing Services
Closed Session Topic:	Acquisition of Real Property

<b>11.</b>	
<b>minutes</b>	<b><u>CONFERENCE WITH LEGAL COUNSEL - REAL PROPERTY NEGOTIATOR</u></b>
Legal Authority:	Government Code 54956.8
Real Property Involved:	An 8.25 acre parcel located on Diana Avenue, west of the Future Butterfield Boulevard extension (APN 726-12-006)
Negotiators:	
For City/Agency:	City Manager/Executive Director; City Attorney/Agency Counsel; Director of Business Assistance & Housing Services

For Property Owners: Kontrabecki Associates ( or appropriate owner)  
Closed Session Topic: Acquisition of Real Property

**12.**

**CONFERENCE WITH LEGAL COUNSEL: EXISTING LITIGATION**

(Subdivision (a) of Section 54956.9)

Name of Case: City of San Jose v. Morgan Hill Unified School District, City of Morgan Hill, and South San Jose Interests; Santa Clara County Superior Court

**ADJOURN TO CLOSED SESSION:**

**RECONVENE:**

**CLOSED SESSION ANNOUNCEMENT:**

**FUTURE COUNCIL-INITIATED AGENDA ITEMS:**

Note: in accordance with Government Code Section 54954.2(a), there shall be no discussion, debate and/or action taken on any request other than providing direction to staff to place the matter of business on a future agenda.

**ADJOURNMENT**